



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
4190 Washington Street, West
Charleston, WV 25313

Joe Manchin III
Governor

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

December 2, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 2, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization of Medicaid payment for outpatient surgery in the form of an injection of the sacroiliac joint.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for Medicaid services is based on current policy and regulations. Some of these regulations state that certain surgeries performed in place of service 22 (Outpatient Hospital) and 24 (Ambulatory Surgical Center) will require prior authorization effective February 15, 2006. The selected surgeries that require prior authorization include injection of the sacroiliac joint. (Hospital Services Manual Section 510.8.1.4)

The evidence presented at your hearing reveals that the information submitted by your physician for review fails to meet the indications necessary on the Interqual Smart Sheet for approval of outpatient surgery in the form of an injection of the sacroiliac joint.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your request for prior authorization of outpatient surgery for injection of the sacroiliac joint.

Sincerely,

Cheryl Henson
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Lorna Harris, BMS

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

-----,

Claimant,

v.

Action Number: 09-BOR-2048

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on December 2, 2009 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on December 2, 2009 on a timely hearing request filed October 6, 2009.

II. PROGRAM PURPOSE:

The 1965 Amendments to the Social Security Act established, under Title XIX, a Federal-State medical assistance program commonly known as Medicaid. The Department of Health and Human Resources administers the Medicaid Program in West Virginia in accordance with Federal Regulations. The Bureau for Medical Services is responsible for development of regulations to implement Federal and State requirements for the program. The Department of Health and Human Resources processes claims for reimbursements to providers participating in the program.

III. PARTICIPANTS:

-----, Claimant, representing herself

Joann Ranson, Bureau for Medical Services, Department Representative
Sharon Lopez, RN, WVMI, Department's witness

Presiding at the hearing was Cheryl Henson, State Hearing Officer and a member of the State Board of Review.

It should be noted that the hearing was conducted by telephone conference.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Department was correct in its decision to deny prior authorization (PA) for Medicaid payment of outpatient surgery in the form of an injection of the sacroiliac joint.

V. APPLICABLE POLICY:

WVDHHR Medicaid Policy Manual, Chapter 510.8.1.4

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 WVDHHR Medicaid Manual Chapter 510.8.1
- D-2 WVMi Medicaid Outpatient Services Authorization Request Form and Accompanying documentation
- D-3 InterQual Smart Sheets 2009 Procedures Criteria – Sacroiliac Joint Injection
- D-4 Denial Notices dated September 28, 2009

Claimant's Exhibits:

None

VII. FINDINGS OF FACT:

- 1) On or about September 28, 2009 the Department notified the Claimant via a Notice of Denial (Exhibit D-4) that her request for prior authorization (PA) for outpatient surgery for an injection of the sacroiliac joint was denied. The notice included the following pertinent information:

Reason for Denial: InterQual Criteria not met

Adult Surgical InterQual criteria were not met. There was no documentation off [sic] continued pain after RX NSAIDS equal to or greater than 4 weeks/contraindicated not tolerated and activity modification equal to or greater than 4 weeks.

- 2) Evidence presented by the Department (D-1) reveals that PA is required for Medicaid payment of outpatient surgery for an injection of the sacroiliac joint. West Virginia Medical Institute (WVMI) is the agency contracted to review PA requests and determine eligibility. The WVMI representative, Sharon Lopez, a registered nurse, testified that the information was submitted on September 23, 2009 (D-2) from the physician's office for review.
- 3) The WVMI nurse explained that the Interqual Smart Sheet (D-3) was used to determine whether the procedure could be approved. She explained that the information provided by the physician was applied first to the indications (110) through (120) and that although she found evidence in the physician's notes to substantiate low back pain, which is one (111) of the indications, she could not find sufficient evidence that met the other indications. She stated all of the indications must be met in order for the procedure to be approved. She went on to say that the information was then sent to the Physician Reviewer. The Physician Reviewer found that she met some of the indications, but that medical evidence submitted did not show that she had continued pain after NSAID treatments for more than four (4) weeks or that the NSAIDS were not tolerated or contraindicated; and, that there was no evidence of physician documented activity modification for more than four (4) weeks.
- 4) The Claimant testified that she has taken an NSAID called Lodene for more than two years and still has pain. She also testified that she has to sleep with a pillow under her legs and cannot sleep on one side. She adds that she cannot lift, and uses ice packs for relief of pain at times. None of this information was documented by the physician.
- 5) WVDHHR Hospital Services Manual, Chapter 510.8.1.4 provides in pertinent part:

Certain surgeries performed in place of service 22 (Outpatient Hospital) and 24 (Ambulatory Surgical Center) will require prior authorization effective February 15, 2006. The selected surgeries that require prior authorization through the BMS review contractor are listed in Attachment 3 along with the PA form that may be utilized. (See Attachment 17 for utilization management agency information)

Attachment 3

27096 – Inject sacroiliac joint X (Needs Prior Authorization)

VIII. CONCLUSIONS OF LAW:

- 1) WVDHHR Hospital Services Manual provides that prior authorization is required for an outpatient surgery for injection of the sacroiliac joint.
- 2) The evidence reveals that the Department (through WVMI) received a request from the Claimant's physician for PA of Medicaid payment for outpatient surgery for an injection of the sacroiliac joint. This request failed to show the Claimant meets all the required criteria necessary for approval of PA for the procedure. Specifically, there was no physician documented evidence of continued pain after RX NSAIDS equal to or greater than four (4) weeks, or evidence that the NSAIDS were not tolerated or contraindicated. There also was no

physician documented evidence to show that activity modifications had been tried for equal to or greater than four (4) weeks.

- 4) The Department is correct in its decision to deny PA of Medicaid payment for this request for outpatient surgery.

IX. DECISION:

It is the ruling of the State Hearing Officer to **uphold** the Department's decision to deny prior authorization of Medicaid payment for outpatient surgery for an injection of the sacroiliac joint.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 2nd Day of December 2009,

**Cheryl Henson
State Hearing Officer**